

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TROY CLEVELAND, an individual,

Plaintiff,

vs.

SAFEWAY INC., a foreign corporation,

Defendant.

No.

DEFENDANT'S NOTICE OF REMOVAL
OF ACTION TO 28 U.S.C. §§ 1332, 1441
AND 1446

[REMOVED FROM KING COUNTY
SUPERIOR COURT CAUSE NO. 22-2-
12343-5 KNT]

TO: Clerk, U.S. District Court, Western District of Washington at Seattle;

AND TO: Plaintiff's Counsel of Record.

Defendant hereby removes to this Court the state court action described below on the grounds stated herein, and as supported by the Declaration of Kimberly A. Reppart and the exhibits attached thereto.

I. INTRODUCTION & STATEMENT OF FACTS

On August 5, 2022, Plaintiff served defendant Safeway Inc. with a lawsuit captioned in King County Superior Court entitled *Troy Cleveland v. Safeway Inc.*, Declaration of Kimberly A. Reppart, Exs. 1 and 2.

DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C. §§ 1332, 1441
AND 1446 – 1
CAUSE NO.

3299493 / 824.0117

FORSBERG & UMLAUF, P.S.
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1 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed
 2 "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the
 3 initial pleading setting forth the claim for relief upon which such action or proceeding is based..."
 4 28 U.S.C. § 1446(b)(1). Plaintiff is claiming more than \$75,000 in damages, as confirmed by
 5 Plaintiff's pre-litigation demand for \$200,000. Reppart Decl. Ex. 4.

6 Plaintiff is a resident of the State of Washington. Reppart Decl., ¶ 3 and Ex. 2. Safeway
 7 Inc. is a Delaware corporation with headquarters located in Pleasanton, CA. Reppart Decl., Ex. 3.

8 II. BASES FOR REMOVAL

9 A. There is Complete Diversity of Citizenship under 28 USC § 1332.

10 This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §
 11 1332(a)(1) and (a)(3), and this action is one that can be removed to this Court by Defendant
 12 pursuant to 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and
 13 the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

14 The Plaintiff is a resident of Washington State. Reppart Decl., ¶ 3 and Ex. 2. Defendant
 15 Safeway Inc. is a Delaware corporation with headquarters located in Pleasanton, CA. Reppart
 16 Decl., Ex. 3. Removal of the Plaintiff's action to this Court is proper because there is complete
 17 diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete
 18 diversity at the time Plaintiff's lawsuit was served.

19 B. The Amount in Controversy Exceeds the Jurisdictional Minimum.

20 Plaintiff is claiming more than \$75,000 in damages, as confirmed by Plaintiff's pre-
 21 litigation demand for \$200,000. Reppart Decl. Ex. 4. This information is sufficient to conclude
 22 that plaintiff seeks to recover in excess of \$75,000 in damages against Defendant.
 23

1 DATED this 30th day of August, 2022.

2 FORSBERG & UMLAUF, P.S.

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4 _____
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7 Email: kreppart@foum.law
Attorney for Defendant

8 DATED this 30th day of August, 2022.

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